

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2017-005436-001 DT

03/08/2017

COMMISSIONER VAN WIE

CLERK OF THE COURT
R. Williams
Deputy

STATE OF ARIZONA

ADAM L GARVIN

v.

JEFFREY ALAN BORDEN (001)
DOB: 04/01/1964

CANDACE H KENT

APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
RFR

SENTENCE OF IMPRISONMENT

9:09 a.m.

Courtroom CCB 804

State's Attorney:	Adam Garvin
Defendant's Attorney:	Candace Kent
Defendant:	Present

A record of the proceedings is made digitally in lieu of a court reporter.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 1 (as amended) Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs

Class 4 Felony with one prior felony conviction

A.R.S. § 28-1381(A)(1), 1383(A)(1), 3001, 3304, 3305, 3315, 13-701, 702, 703, and 801

Date of Offense: On or about 02/12/2016

Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 6 year(s) from 03/08/2017

Presentence Incarceration Credit: 43 day(s)

Sentence is concurrent with CR2016-117039-001.

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Aggravated DUI, a class 4 felony committed on 03/18/2015 and convicted on 06/08/2015 in CR2015-112785-001 in Maricopa County Superior Court.

The Defendant was represented by counsel.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

DUI FINE: Count 1 - \$1,372.50.

DUI ABATEMENT FUND: Count 1 - \$250.00.

PRISON CONSTRUCTION & OPERATIONS FUND: Count 1 - \$1,500.00.

PUBLIC SAFETY EQUIPMENT FUND: Count 1 - \$1,500.00.

The Court will retain jurisdiction over restitution for one year. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

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Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in CR2016-117039-001 and CR2015-112785-001.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

IT IS ORDERED granting the Motion to Dismiss the following: Counts 2-4. Allegation of additional prior felony convictions. Allegation of on probation.

IT IS ORDERED revoking Defendant's driver's license and that Defendant not operate a motor vehicle without valid driver's license.

The Disposition Clerk is directed to forward a certified abstract and copy of this sentencing minute entry to the State of Arizona Motor Vehicle Division.

IT IS FURTHER ORDERED that the Defendant shall be required to equip any motor vehicle he/she operates with a certified ignition interlock device for at least one (1) year upon the conclusion of his/her license suspension or revocation.

IT IS FURTHER ORDERED Defendant shall be screened for and participate in substance abuse counseling.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The Court recommends that Defendant be housed in an ADOC facility with substance abuse treatment.

9:32 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely

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arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER VAN WIE
OF THE SUPERIOR COURT

(right index fingerprint)